

Appl. No. 09/584,237
Amd. Dated May 26, 2005
Reply to Office Action of March 29, 2005

REMARKS/ARGUMENTS

Reconsideration of the rejections set forth in the Office Action dated March 29, 2005 is respectfully requested. Claims 7-10, 21-24, 35, 37-39, and 44-50 have been allowed. Claims 1, 2, 5, 6, 11, 16, 17, 20, 25, 30, 34, 40, and 43 have been rejected. Claims 3, 4, 12-15, 18, 19, 26-29, 32, 33, 41, and 42 have been objected to. **Claims 2-4, 17-19, and 41 have been cancelled. As such, claims 1, 5-16, 20-30, 32-35, 37-40, and 42-50 are currently pending.**

Claim 1 has been amended to include the limitations of now-cancelled claims 2-4. Claim 16 has been amended to include the limitations of now-cancelled claims 17-19. Claim 40 has been amended to include the limitations of now-cancelled claim 41. Claim 42 has been amended to depend from claim 40.

Specification

The Examiner has objected to the disclosure for having informalities, and has requested that the status of U.S. Patent No. 6,614,785 has been updated for the paragraph of the Specification located on page 1 at lines 6-24.

Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 1, 2, 11, 16, 17, 25, 30, and 40 under 35 U.S.C. § 103(a) as being unpatentable over Heuer (U.S. Patent No. 6,236,660) in view of Gruber et al. (U.S. Patent No. 6,563,795), herein after "Gruber." Claims 5, 6, 20, 34, and 43 have been rejected 35 U.S.C. § 103(a) as being unpatentable over Heuer and Gruber in view of Takemura et al. (U.S. Patent No. 6,671,271), herein after "Takemura."

1. Independent Claims 1, 16, and their dependents

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As amended, independent claim 1 includes limitations of now-cancelled claims 3 and 4, which the Examiner has indicated contains allowable subject matter. Therefore, independent claim 1 is now believed to be allowable. Claims 5 and 6 depend directly from claim 1 and are, therefore, both believed to be allowable for at least the reasons for which claim 1 is allowable. Each of claims 5 and 6 recites additional limitations which, when considered in light of claim 1, are believed to further distinguish the claimed invention over the art of record.

Claim 16 has been amended to include limitations of now-cancelled claims 18 and 19. Since claims 18 and 19 contain allowable subject matter, as indicated by the Examiner, claims 16 and its remaining dependent are now believed to be allowable.

2. *Independent Claims 11, 25, and their dependents*

Independent claim 11 recites a method for routing virtual tributary (VT) circuits over synchronous transport signal (STS) connections in a SONET network. The method includes creating a VT ingress interface STS-VT cross-connection at a first network element, and creating a VT egress interface STS-VT cross connection at a second network interface.

On page 5 of the Office Action dated March 29, 2005, the Examiner has indicated that Heuer does not teach identifying first and second network elements that support VT cross connections, but has argued that Gruber teaches such a limitations. However, the Examiner does not appear to have addressed the limitations in claim 11 of creating a VT ingress interface VT-STs cross connection at a first network element and creating a VT egress interface VT-STs cross connection at a second network element. It is respectfully submitted that creating VT ingress and VT egress interface VT-STs cross connections is not equivalent to identifying network connections that support VT cross connections. Further, neither Heuer nor Gruber, alone or in combination, appears to teach or even suggest creating VT ingress and VT egress interface VT-STs cross connections. As such, claim 11 is believed to be allowable for at least this reason.

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Claims 12-15 each depend directly from independent claim 11, and are believed to be allowable for at least the reason set forth above with respect to claim 11. It is noted that the Examiner has already indicated that claims 12-15, themselves, each also contain allowable subject matter.

Independent claim 25 recites similar limitations as those recited in claim 11. Therefore, it is respectfully submitted that claim 25 and its dependents are each allowable over Heuer and Gruber, alone or in combination, for at least the reason set forth above with respect to claim 11.

3. *Independent Claim 40 and its dependents*

Independent claim 40 has been amended to include the limitations of now-cancelled claim 41. As the Examiner has indicated that claim 41, as originally filed, contained allowable subject matter, claim 40 is now believed to be allowable. As claims 42 and 43 depend directly from independent claim 40, these claims are also believed to be allowable for at least the reason that claim 40 is allowable.

4. *Independent Claim 30 and its dependents*

Independent claim 30 recites a system for routing VT circuits over STS circuit connections. The system includes a first NE that supports VT cross connections and allows one or more VT circuits to be added or extracted from an STS circuit. The system also includes a second NE that supports VT cross connections and allows one or more VT circuits to be added or extracted from an STS circuit.

It is respectfully submitted that neither Heuer nor Gruber, alone or in combination, teaches of or suggests network elements that allow one or more VT circuits to be added or extracted. It does not appear to the Applicants that the Examiner has addressed the limitation of network elements that allow VT circuits to be added or extracted in his rejection of claim 30. The Examiner appears to have addressed, on page 4 of the Office Action dated March 29, 2005,

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the routing of a VT circuit between network elements. However, network elements between which a VT circuit is routed does not appear to suggest network elements that allow one or more VT circuits to be added or extracted. The cited art does not appear to teach of extracting VT circuits from any network elements. Accordingly, claim 30 is believed to be allowable over the cited art for at least this reason.

Claims 32-34 each depend from claim 30, and are each believed to be allowable over the cited art for at least the reason set forth above with respect to claim 30. Claims 32-34 recite additional limitations which, when considered in light of claim 30, are believed to further distinguish the claimed invention over the cited art. By way of example, the Examiner has already indicated that claims 32 and 33 contain allowable subject matter.

Allowable Subject Matter

The Examiner has allowed claims 7-10, 21-24, 35, 37-39, and 44-50, and has objected to claims 3, 4, 12-15, 18, 19, 26-29, 32, 33, 41, and 42. The Examiner has indicated that claims 3, 4, 12-15, 18, 19, 26-29, 32, 33, 41, and 42 would be allowable if rewritten to include all of the limitations of their respective base and intervening claims.

The limitations of claims 3 and 4 have been incorporated into independent claim 1, and the limitations of claims 18 and 19 have been incorporated into independent claim 16. Claims 3, 4, 18, and 19 have been cancelled. Claim 41 has been cancelled, and its limitations have been incorporated into claim 40. Claim 42 has been amended to depend from claim 40 rather than claim 41. As such, claims 1, 16, 40, and their respective dependents are now believed to be allowable.

The Applicant has elected not to rewrite claims 12-15, 26, 29, 32, and 33 in independent form at this time, as the Applicant believes that the independent claims corresponding to these dependent claims are allowable over the cited art.

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Conclusion

For at least the foregoing reasons, the Applicants believe all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 399-5608.

Respectfully submitted,



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